

John J.D. McFerrin-Clancy (JM-C 6937)  
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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ORBIT ONE COMMUNICATIONS, INC.,  
DAVID RONSEN,

Plaintiffs,

-against-

NUMEREX CORP.,

Defendant.

Civil Action No. 08-CV-0905 (LAK)

**NOTICE OF MOTION FOR  
SUMMARY JUDGMENT**

**Document Filed Electronically**

TO: Kent Yalowitz  
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New York, New York 10022-4690

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law, the annexed Declarations of John J.D. McFerrin-Clancy, David Ronson, and Scott Rosenzweig, with attached exhibits, and all pleadings and proceedings heretofore had herein, the undersigned counsel for Plaintiffs/Counterclaim Defendants Orbit One Communications, Inc. and David Ronson move before this Court, before the Honorable Lewis A. Kaplan, at the United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined in accordance with Judge Kaplan rules, under Fed. R. Civ. P. 56(b) and 12(c), for an Order granting

summary judgment and/or judgment on the pleadings on the claims in Plaintiff's Complaint and the claims in Defendant's/Counterclaim Plaintiff's Counterclaims.

**PLEASE TAKE FURTHER NOTICE** that Plaintiffs/Counterclaim Defendants request oral argument.

Respectfully submitted,

By: //s// John J.D. McFerrin-Clancy  
John J.D. McFerrin-Clancy (JM-C 6937)  
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Dated: September 4, 2008